

Appl. No.: 10/573,950
Amdt. dated 12/27/2007
Reply to Office action of 09/27/2007

Amendments to the Drawings:

A replacement sheet for page 1 of the drawings is attached and addresses the objection raised in the Office Action.

REMARKS/ARGUMENTS

In the Office Action, the Examiner objects to the drawings for failing to illustrate a thread and thread connector. The Examiner rejects several of the claims under 35 U.S.C. §112, second paragraph, for lacking antecedent basis or containing indefinite language. In addition, the Examiner rejects Claims 1-4 and 7 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,507,771 to Gianturco, Claims 1, 2, 4, 7, and 8 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,299,635 to Frantzen, and Claims 1-8 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,786,922 to Schaeffer.

As explained in further detail below, Applicant has amended independent Claim 1 for clarification and to further distinguish the cited references. Claims 4-8 have been amended for clarification, and Claim 3 has been canceled. Claims 9-13 have been added. In light of the amendments and subsequent remarks, Applicant respectfully requests reconsideration and allowance of the claims.

Objections to the Drawings

The Examiner objects to the drawings because the thread and thread connector are not illustrated. Applicant has amended FIG. 1 to illustrate the thread (26), thread ends (27), and thread connector (28) and has amended the specification accordingly. Applicant notes that support for the amendment can be found, for example, on page 6, lines 12-16 of the present application and does not introduce new matter.

Rejection under §112, ¶ 2

The Examiner rejects Claims 1-8 as being indefinite. Applicant has amended Claim 1 and Claims 4-8 in order to clarify the claims and recite proper antecedent basis. Therefore, Applicant respectfully submits that the rejection under §112, ¶1, is overcome.

Rejection under §§102(b) and (e)

The Examiner rejects independent Claim 1 as being anticipated by Gianturco, Frantzen, or Schaeffer. With reference to FIG. 6, Gianturco discloses a stent assembly (50) that includes

two stents (51, 52) connected by a support rod (52) and surrounded by a nylon sleeve (54). Each stent includes a plurality of struts (14) that are connected by joints (15, 17), as shown in FIG. 1A.

Frantzen discloses a stent (10') having a series of struts (20) arranged in a wave-like contour. Gaps (60) are provided between adjacent rows of struts, which are attached together via tie bars (70). The ends of the struts attach at attachment bends (50), as shown in FIG. 6.

Schaeffer discloses a stent (10) that includes annular ring structure (12) and connector segments (14). As illustrated in FIG. 6 of Schaeffer, the stent also includes pads (45) that extend from the ring structures and provide an enlarged region suitable for deposition of material, such as a therapeutic.

In light of the rejections, Applicants have amended independent Claim 1 to recite that the concavely rounded throat sections are configured to intermesh with adjacent transitional sections in the initial state. Thus, as shown in FIG. 1 and disclosed in the present application on page 5, line 30 – page 6, line 5, the “throat sections **20, 21** extend at least in areas over the edge-side transitional sections **11** of adjacent struts **7, 8** in initial state A and cover them. The contour of the throat sections **20, 21** is adapted to the contour of transitional sections **11**, so the latter are intermeshed in the initial state.” In contrast, FIG. 1B of Gianturco and FIG. 2 of Frantzen illustrate a stent in a compressed state where the joints are spaced away from one another and do not intermesh with one another in the compressed state. Moreover, the pads of Schaeffer are not configured to intermesh with the adjacent struts, which is unlike independent Claim 1.

In view of the remarks and amendments presented above, it is respectfully submitted that Claims 1-13 of the present application are in condition for allowance. It is respectfully requested that a Notice of Allowance be issued in due course. The Examiner is requested to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

The patentability of the independent claims has been argued as set forth above and thus Applicants will not take this opportunity to argue the merits of the rejection with regard to the dependent claims. However, Applicants do not concede that the dependent claims are not independently patentable and reserve the right to argue the patentability of the dependent claims at a later date if necessary.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



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